

JFW

Attorney Docket No.: U 016261-6

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Thomas TALLBERG

Serial No.: 10/575,752

Group No. 1614

Filed: April 13, 2006

Examiner: Frank I Choi

For: AGENT AND METHOD FOR TREATING CANCER COMPRISING STRONTIUM, AMINO ACID(S) AND MINERAL AGENT(S)

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

In response to the undated decision on request received on June 26 (copy enclosed), applicants request reconsideration of the decision with respect to the 35 USC 371 (c) date. The papers for national phase entry were dispatched to the PTO by express mail on April 12, 2006 with a certification under 37 CFR 1.10 and therefore the application should be entitled to a 35 USC 371 © date of April 12, 2006 and not of April 13, the date on which the papers were received by the PTO. A copy of the USPS express mail label showing acceptance by the USPS on April 12 is submitted herewith together with a list of the contents of the package.

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10*

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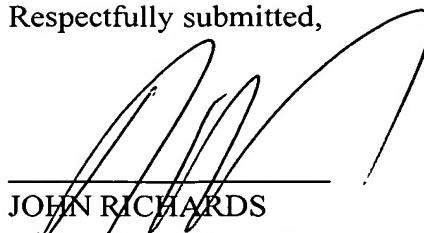
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(Information Disclosure Statement Short Form—page 1 of 1) 6-1a

Correction of the 35 USC 371(c) date to April 12, 2006 is again requested.

Respectfully submitted,


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L & P LLP

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New York, NY 10023

In re Application of :
TALLBERG, Thomas :
U.S. App. No.: 10/575,752 :
PCT No.: PCT/FI04/00618 :
Int. Filing Date: 15 October 2004 :
Priority Date: 17 October 2003 :
Attorney Docket No.: U0162616 :
For: AGENT AND METHOD FOR TREATING
CANCER COMPRISING STRONTIUM,
AMINO ACID(S) AND MINERAL
AGENT(S)

DECISION ON REQUEST

This decision is issued in response to applicant's "Request for Corrected Filing Receipt" filed 24 November 2006. Applicant requests that the above-identified application be accorded a 35 U.S.C. 371(c) filing date of 12 April 2006.

BACKGROUND

On 13 April 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; and an executed declaration.

On 31 October 2006, a Notification of Acceptance was issued identifying the 35 U.S.C. 371(c) date as 13 April 2004. Subsequently, an Official Filing Receipt was issued indicating a "FILING DATE" of 13 April 2004.

On 24 November 2006, applicant filed a "Request for Corrected Filing Receipt."

DISCUSSION

Applicant requests a corrected filing date or 35 U.S.C. 371(c) date from 13 April 2006 to 12 April 2006. The actual filing date of the present application is the international filing date, i.e., 15 October 2004 (see 35 U.S.C. 363). The date in the filing date portion on the filing receipt of a national stage application is the date upon which the requirements

set forth in 35 U.S.C. 371(c) for entry into the national stage were completed, see MPEP §1895.01.

A review of the application file reveals that the basic national fee as required by 35 U.S.C. 371(c)(1), a copy of the international application, and an executed declaration were filed with the USPTO on 13 April 2006. Applicant has not provided any evidence, such as a USPS Express Mail Label or date stamped return receipt post card, that evidences receipt by the Office of the national stage papers allegedly filed on 12 April 2006. Therefore, the correction of the "FILING DATE" on the filing receipt to indicate a date of 12 April 2006 is not proper since applicant completed the requirements set forth in 35 U.S.C. 371(c) on 13 April 2006.

CONCLUSION

For the reasons above, applicant's request to change the filing date on the filing receipt is **DISMISSED** without prejudice.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision to file a response. No petition fee is required.

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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April 12, 2006

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EV815583741US

U015741-7

PCT/AU2003/001402

10/532,324

Grant Charlwood

Completion of filing requirements

\$365.00 completion fee

U016261-6

PCT/EP2004/000618

Thomas Taeh Seung

New case

\$450.00 filing fee

Preliminary Amendment

U015908-7

PCT/IL2004/000183

S.N. 10/546,660

Lissi Gross, et al

Completion of filing requirements

\$165.00 completion fee

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